

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JAY DAVID SALLEN d/b/a J.D.S.
ENTERPRISES,

Plaintiff,

v.

CORINTHIANS LICENCIAMENTOS
LTDA,

Defendant.

JAY DAVID SALLEN d/b/a GO247.COM,
INC.,

Plaintiff,

v.

DESPORTOS LICENCIAMENTOS LTDA,

Defendant.

Civil Action No.

00 CV 11555 (WGY)

FILED
IN CLERKS OFFICE
2002 JAN 28 P 12:32
U.S. DISTRICT COURT
DISTRICT OF MASS.

ANSWER

Defendants Corinthians Licenciamentos LTDA and Desportos Licenciamentos LTDA, (hereinafter "Defendants"), by their attorneys, GOTTLIEB, RACKMAN & REISMAN, P.C., answer Plaintiff's Complaint as follows:

1. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 and on that basis deny them.
2. Defendants admit that they are corporations, but deny that they have their

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principal offices at Alameda Santos 2224, 1st Floor, Suite 12, 01418-200
São Paulo, Brazil.

3. Defendants deny the allegations contained in paragraph 3 of Plaintiff's Complaint.
4. Defendants deny the allegations contained in paragraph 4 of Plaintiff's Complaint.
5. Defendants deny the allegations contained in paragraph 5 of Plaintiff's Complaint.
6. Defendants deny the allegations contained in paragraph 6 of Plaintiff's Complaint.
7. Defendants deny the allegations contained in paragraph 7 of Plaintiff's Complaint.
8. Defendants deny the allegations contained in paragraph 8 of Plaintiff's Complaint.
9. Defendants deny the allegations contained in paragraph 9 of Plaintiff's Complaint.
10. Defendants deny the allegations contained in paragraph 10 of Plaintiff's Complaint.
11. Defendants deny the allegations contained in paragraph 11 of Plaintiff's Complaint.
12. Defendants deny the allegations contained in paragraph 12 of Plaintiff's Complaint.
13. Defendants deny the allegations contained in paragraph 13 of Plaintiff's

Complaint.

14. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 and on that basis deny them.
15. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 and on that basis deny them.
16. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 and on that basis deny them.
17. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 and on that basis deny them.
18. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 and on that basis deny them.
19. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 and on that basis deny them.
20. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 and on that basis deny them.
21. Defendants lack knowledge and information sufficient to form a belief as

to the truth of the allegations contained in paragraph 21 and on that basis deny them.

22. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 and on that basis deny them.

23. Defendants deny the allegations contained in paragraph 23 of Plaintiff's Complaint.

24. Defendants admit that they are the licensees of the following Brazilian Trademark Registrations:

Licensee	Mark	Registration No.
Corinthians Licenciamentos LTDA	CORINTHIANS PAULISTA 1910 & DESIGN	007145489
Corinthians Licenciamentos LTDA	CORINTHIAO	006940242
Desportoes Licenciamentos LTDA	CRUZEIRO	818542241
Desportoes Licenciamentos LTDA	CRUZEIRO ESPORTE CLUB & Design	818542276
Desportoes Licenciamentos LTDA	CRUZEIRO ESPORTE CLUB	817768963
Desportoes Licenciamentos LTDA	CRUZEIROMANIA & STARS Design	820009695

25. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 25 and on that basis

deny them.

26. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 26 and on that basis deny them.
27. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 27 and on that basis deny them.
28. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 28 and on that basis deny them.
29. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 29 and on that basis deny them.
30. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 30 and on that basis deny them.
31. Defendants admit that they filed complaints with the World Intellectual Property Organization ("WIPO") pursuant to the Internet Corporation for Assigned Names and Numbers' Uniform Domain Name Dispute Resolution Policy. Defendants deny that they claimed Plaintiff's domain name registrations violated their trademarks.
32. Defendants admit that panels appointed by WIPO ordered that domain names registered by Plaintiff be transferred to Defendants.
33. Defendants repeat their answers to the allegations contained in

paragraphs 1 through 32 and restate them as if fully set forth herein.

34. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 34 and on that basis deny them.
35. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 35 and on that basis deny them.
36. Defendants lack knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraph 36 and on that basis deny them.
37. Defendants deny the allegations contained in paragraph 37 of Plaintiff's Complaint.
38. Defendants repeat their answers to the allegations contained in paragraphs 1 through 37 and restate them as if fully set forth herein.
39. Defendants deny the allegations contained in paragraph 39 of Plaintiff's Complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

40. Plaintiff's Complaint fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

41. All of the relief that Plaintiff seeks is barred by the doctrine of unclean hands.

THIRD AFFIRMATIVE DEFENSE

42. Plaintiff registered, trafficked in or used domain names that are identical or confusingly similar to marks that were famous and/or distinctive at the time of the registration of the domain names and thus is not entitled to the relief sought.

FOURTH AFFIRMATIVE DEFENSE


43. Plaintiff registered the domain names corinthians.com and cruzeiro.com with a bad faith intent to profit and thus is not entitled to the relief sought.

FIFTH AFFIRMATIVE DEFENSE

44. Plaintiff did not have any reasonable grounds to believe that the use of corinthians.com and cruzeiro.com was a fair use or otherwise lawful and thus is not entitled to the relief sought.

Respectfully submitted

Gottlieb, Rackman & Reisman, P.C.
Attorneys for Defendants
CORINTHIANS LICENCIAMENTOS LTDA AND
DESPORTOS LICENCIAMENTOS LTDA

By: 

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Dated: January 24, 2002

OF COUNSEL:

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Boston, Massachusetts 02110

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing ANSWER was served by First Class Mail on the 24th day of January, 2002 on the attorney for Plaintiff, namely:

Linda A. Harvey, Esq.
Harvey & Kleger
184 Pleasant Valley Street
Suite 1-204
Methuen, MA 01844



Marc P. Misthal